Remarks

Applicant is responding to the Final Office Action and submitting herewith a) a Request for Continued Examination, b) an Information Disclosure Statement and c) a request for a one month extension.

The 103(a) Rejections

Examiner has rejected all pending claims as being rendered obvious by U.S. Patent No. 5,103,068 (Maldonado) in view of U.S. Patent No. 193,036 (Reynolds) either by themselves or in combination with other references including, Peker, Wong, Manning, Contello, and Grande. In particular, Examiner rejected pending claims 117 and 120 by combining Maldonado, Reynolds, and Grande (U.S. Patent No. 5,470,109).

Applicant has amended independent claim 30, the sole pending independent claim, to include the limitations of claims 117 and 120, thereby focusing the prosecution of this case on Examiner's rejection in light of Maldonado, Reynolds, and Grande. According to the Examiner:

> Maldonado modified by Reynolds does not disclose wherein the elastomeric material attaching the top peripheral and bottom peripheral edges folds over the spine of the book when the book is inserted to the cover. Grande discloses of a book cover having a binder locking feature wherein the portions of the cover are folded in and lock the spine into position (Column 5, Lines 26-34). Therefore itwould have been obvious to a person having ordinary skill in the art at the time of the invention was made to having Maldonado's book cover to fold over the spine in order to lock the spine in position." Final Rejection, April 10, 2008, Page 12.

As discussed in a prior Office Action response, the present invention provides a key functional, utilitarian benefit, as noted on page 6, lines 28-31 of the specification: "The tension created because of the elastomeric properties of the material, combined with the design of the access slot 25, causes the "spine locking" feature 23 to fold over the top and bottom edges of the spine—protecting such areas of book 10 from soiling and water damage." See Figures 3 and 4 below for the material which folds over the top and bottom of the spine.

FIG. 3

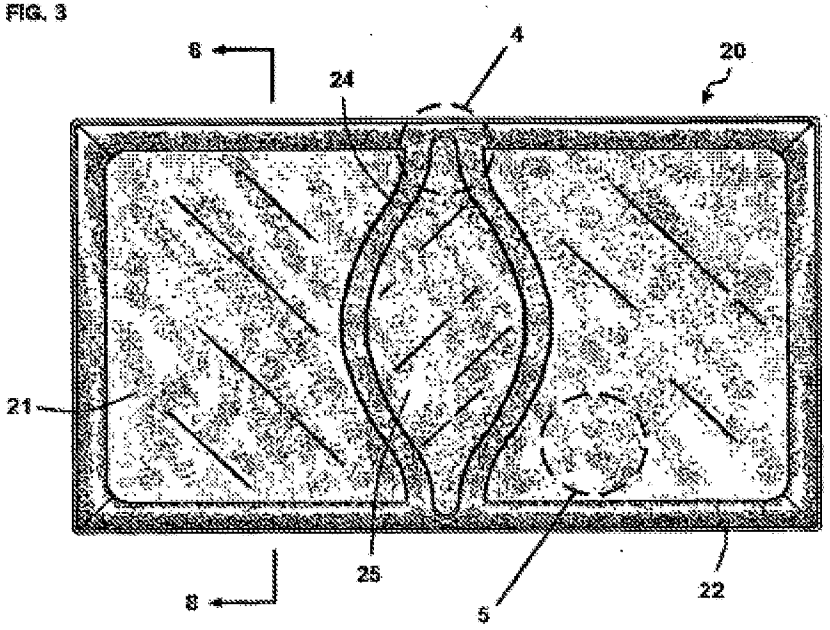
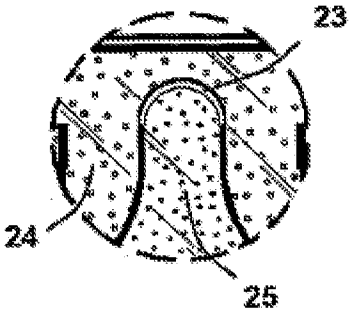


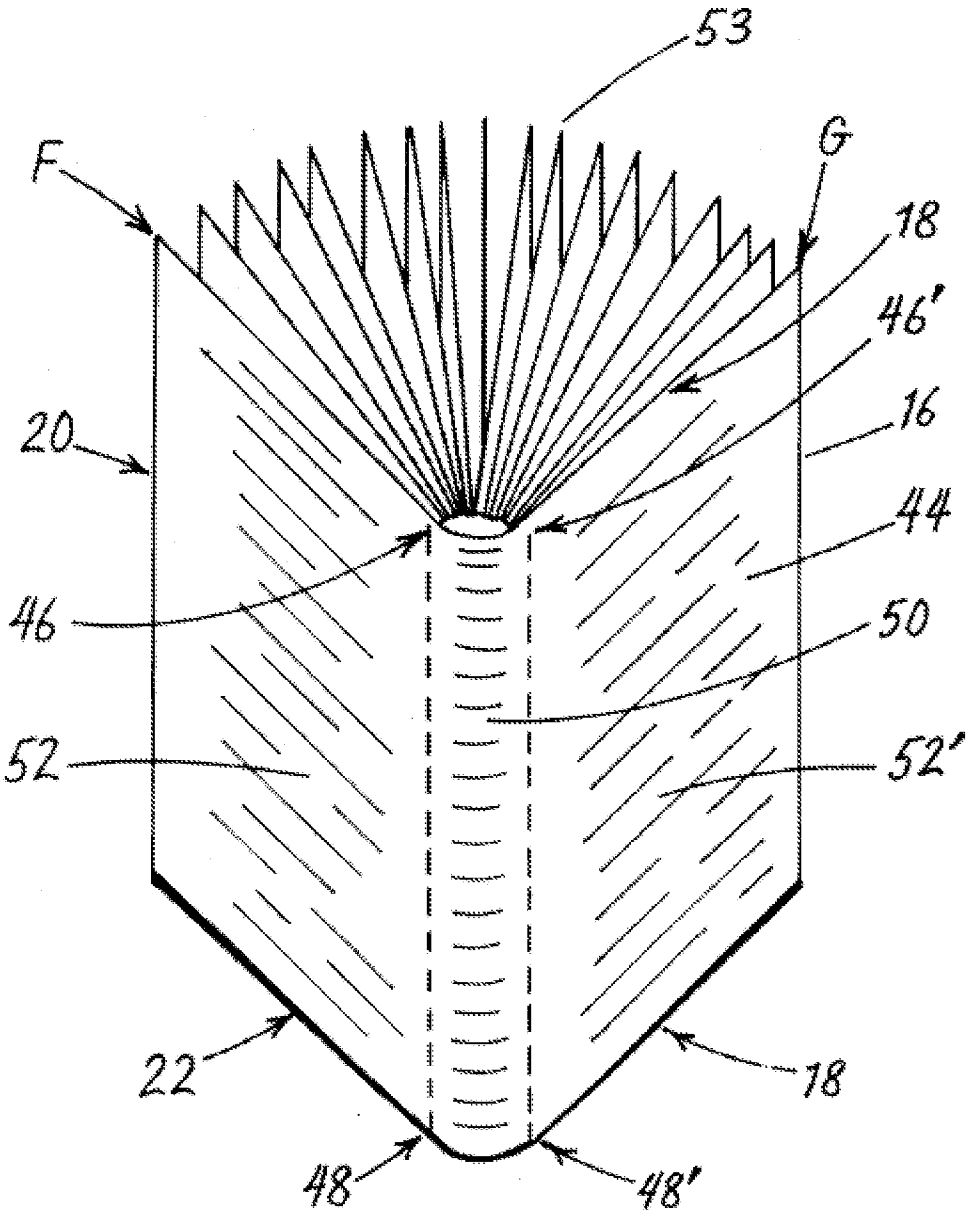
FIG. 4



While Grande discloses a book cover having a binder locking feature wherein the portions of the cover are folded in and lock the spine into position, it does not disclose the claimed spine locking and covering feature of the present invention. Specifically, Grande does not disclose elastomeric materials which attach the top peripheral and bottom peripheral edges and which fold over the top and bottom edges of the spine when the book is inserted to the cover.

Grande clearly describes a spine locking feature that operates by having stitching on the

pocket of the book cover jacket cause the jacket to grasp the *corners* of the spine. "The manner in which the pattern for the fabric is cut out of the roll…insures that a greater amount of potential stretch of the fabric is present along the length of the pattern cut fabric than across the width so that the greater and lesser stretch potentials cooperate with the two stitch lines in each of the pockets of the jacket to insure secure locking of the jacket onto the four corners of the spine." U.S. Patent No. 5,470,109, Col.5:42-48. Referring to Figure 3, it clearly shows that no book cover or elastomeric material covers the top edge of the spine.



Therefore, neither the written description nor the figures of Grande show the claimed feature: "wherein the elastomeric material attaching the top peripheral edges folds over and covers the top edge of the spine of the book when the book is inserted into the book cover and wherein the elastomeric material attaching the bottom peripheral edges folds over and covers the bottom edge of the spine of the book when the book is inserted into the book cover". As a matter of law, none of the cited art is sufficient to sustain a rejection under 35 U.S.C. Section 102 or 103(a). Applicant believes the claims are now in form for allowance.